

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN CAROLYN SQUIRES**, on March 9, 2005 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Carolyn Squires, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Jon Ellingson (D)
Sen. Jeff Essmann (R)
Sen. Steven Gallus (D)
Sen. Rick Laible (R)
Sen. Dave Lewis (R)
Sen. Jim Shockley (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Claudia Johnson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 155, 2/23/2005; HB 30,
2/23/2005; HB 198, 2/23/2005
Executive Action: HB 155; HB 30; HB 198; HB 180

{Tape: 1; Side: A; Comments: Tape is barely audible-discovered a bad mic so none of them worked.}

HEARING ON HB 155

Opening Statement by Sponsor:

SEN. JIM SHOCKLEY, SD 45, VICTOR, opened the hearing on **HB 155** for **REP. DEBBY BARRETT (R), HD 72**, who wasn't available. Revise laws governing disclosure of conflict Commissioner of Political Practices.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Gordie Higgins, Commissioner of Political Practices, informed the Committee that the Secretary of State's Office asked that the issue of disclosures or certain conflicts of interest must be made to the Commissioner of Political Practice rather than the Secretary of State's Office. He said this bill just puts into statute what his office has been practicing all along.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. BARRETT arrived to close. She thanked **SEN. SHOCKLEY** for presenting her bill. She asked the Committee to concur on HB 155.

HEARING ON HB 30

Opening Statement by Sponsor:

REP. DAVID WANZENRIED (D), HD 97, opened the hearing on **HB 30**, Clarify legislator-elect pre-session payments. **REP. WANZENRIED** said this bill brings the Legislative Services Division (LSD) into compliance for payment to newly elected legislators that attend pre-session orientation and training. He stated that the LSD has been practicing this for years, but it was decided to place it in statute so there wouldn't be any question in regard to the payment for pre-session training and orientation.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: SEN. TROPILA asked about appointed legislators, referring to SEN. LEWIS and SEN. ESSMANN. He was informed that legislator-elect is the same as appointed. SEN. COONEY responded to the question stating that if there is a vacancy today the legislator appointed would go through the same process in filing and being sworn in.

{Tape: 1; Side: B; Approx. Time Counter: 10.1 - 18.9}

SEN. GALLUS read the Senate Rule book and the Committee was not able to determine if an appointed legislator is the same as an elected one.

The Committee asked why the bill shows a retroactive date of November 2, 2004. Lois Menzies, Executive Director for LSD, informed the Committee that the current procedure was not correct according to statute. The date that LSD used was to keep it simple instead of going back a number of years. By using the retro date, it will keep LSD in compliance with statute, and make sure that the payments made to newly-elected legislators will be done correctly from this point forward.

Closing by Sponsor:

REP. WANZENRIED closed asking the Committee for a do concur vote.

HEARING ON HB 198

{Tape: 1; Side: A; Approx. Time Counter: 21.1 - 26}

Opening Statement by Sponsor:

REP. DAN VILLA (D), HD 86, opened the hearing on HB 198, Define "student intern" in the context of state employment rights and benefits.

Proponents' Testimony:

Randy Morris, Administrator of Human Services Division, Department of Administration said that this bill will allow state agencies more flexibility to hire students. He stated there is

no definition which leaves state agencies to use other categories of workers, such as; temporary employment agencies or contracting through colleges like Carroll College, the University of Montana, Montana State University, and Montana Technical College. He said that other colleges like Helena College of Technology, and other two-year colleges do not have contracts in place for this to be done. **REP. VILLA** said the students that go to school out-of-state are also at a disadvantage for this type of employment opportunity. The current short-term and temporary worker category doesn't completely fill the need for agencies to employee student interns. He asked the Committee to pass this bill and send it to the floor.

{Tape: 1; Side: B}

Matthew Cohn, Leader of Communications and Public Relations, Montana State Fund, informed the Committee that this bill gives guidelines that will help them fill the numerous vacancies that State Fund currently has. He said that State Fund has 270 Full Time Employees (FTE). He urged the Committee to concur on HB 198.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. VILLA closed. He thanked the Committee for a good hearing and urged the Committee to concur on HB 198.

EXECUTIVE ACTION ON HB 155

{Tape: 1; Side: B; Approx. Time Counter: 5 - 6}

Motion/Vote: SEN. GALLUS moved that HB 155 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. SHOCKLEY will carry the bill.

EXECUTIVE ACTION ON HB 198

{Tape: 1; Side: B; Approx. Time Counter: 6 - 8}

Motion/Vote: SEN. SHOCKLEY moved that HB 198 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. LAIBLE will carry the bill.

{Tape: 1; Side: B; Approx. Time Counter: 18.9 - 25; Comments: There is no recording for executive action for HB 180. There wasn't any discussion}

EXECUTIVE ACTION ON HB 180

{Tape: 1; Side: B; Comments: Executive Action on HB 180 Not on tape}

Motion/Vote: SEN. COONEY moved that HB 180 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. LAIBLE will carry the bill.

EXECUTIVE ACTION ON HB 30

{Tape: 1; Side: B; Approx. Time Counter: 12 - 25}

Motion: SEN. SHOCKLEY moved that HB 30 BE CONCURRED IN.

Discussion: The Committee asked **Greg Petesch, Code Commissioner, LSD**, to address the Committee hearing, and confirm that the legislator-elect, and sitting legislators are addressed differently in this bill due to some of the members feeling that a legislative committee cannot apply compensation for themselves. **Mr. Petesch** informed the Committee that this bill only codifies what has been taking place for years. He said the bill will make sure those newly- elected officials are paid when they attend a pre-session training and orientation. He stated that the bill will make sure those officials will be paid at a rate of pay that everyone else is receiving.

SEN. ESSMANN asked **Mr. Petesch** if the Committee could expand the 90-days to 365 days to cover the concerns of legislative pay when the legislature isn't in session. **Mr. Petesch** replied this bill only adds members not days. He confirmed that appointed legislators like **SEN. ESSMANN** and **SEN. LEWIS** are considered elected officials. He stated these newly-elected officials receive pay only for the days they attend the pre-session training and orientation, the same as a sitting legislator.

Vote: SEN. SHOCKLEY CALLED THE QUESTION ON HB 30. Motion carried unanimously by voice vote. SEN. SHOCKLEY will carry the bill.

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. CAROLYN SQUIRES, Chairman

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

EXHIBIT ([sts52aad0.PDF](#))